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Response Under 37 C.F.R. § 1.116  
Expedited Procedure  
Examining Group 2652

PATENT

ATTORNEY DOCKET NO.: 041465-5064-01

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Takao SAWABE et al.

Application No. 10/058,098

Filed: January 29, 2002

For: APPARATUS FOR REPRODUCING  
INFORMATION FROM RECORD  
MEDIUM ON WHICH AUDIO  
INFORMATION OF DIFFERING  
RECORDING METHODS IS  
RECORDED (AS AMENDED)

Confirmation No.: 1006

Group Art Unit: 2652

Examiner: W. Young

Mail Stop AF

**RECEIVED**

APR 08 2004

Technology Center 2600

Commissioner for Patents  
U.S. Patent and Trademark Office  
2011 South Clark Place  
**Customer Window, Mail Stop AF**  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, VA 22202

Sir:

**RESPONSE AND REQUEST FOR RECONSIDERATION**

In response to the Final Office Action dated December 4, 2003 (Paper No. 7), the period for response to which extends through April 5, 2004 (April 4, 2004 being a Sunday) by the concurrently filed petition for a one-month extension of time and corresponding fee payment, reconsideration of this application is respectfully requested in light of the following remarks.



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Arlington, VA 22202

Sir:

**RESPONSE AND REQUEST FOR RECONSIDERATION TRANSMITTAL**

1. Transmitted herewith is a Response and Request for Reconsideration in response to the Office Action dated December 4, 2003 (Paper No. 7).
2. Additional papers enclosed:

- ☐ Drawings: ☐ Formal ☐ Informal (Correction)  
☐ Information Disclosure Statement  
☐ Form PTO-1449, \_\_\_\_\_ references included  
☐ Citations  
☐ Declaration of Biological Deposit  
☐ Submission of "Sequence Listing", computer readable copy and/or amendment  
pertaining thereto for biotechnology invention containing nucleotide and/or amino  
acid sequence.

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

- ☐ Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicants have inadvertently overlooked the need for a petition and fee for extension of time.
- ☒ Applicants petition for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input checked="" type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 420.00	\$ 210.00
<input type="checkbox"/> three months	\$ 950.00	\$ 475.00
<input type="checkbox"/> four months	\$ 1,480.00	\$ 740.00

Extension of time fee due with this request: \$ 110.00.

If an additional extension of time is required, please consider this a Petition therefor.

- ☐ An extension for \_\_\_\_\_ months has already been secured and the fee paid therefor of \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

4. Constructive Petition

- ☒ **EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation (37 C.F.R. §1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	36	minus	36	0	x \$18 each =	+ \$0.00
Independent Claims (37 C.F.R. §1.16(b))	4	minus	4	0	x \$86 each =	+ \$0.00
[ ] First presentation of Multiple dependent claim(s)					\$290.00	+ \$0.00
SUB-TOTAL =						\$0.00
Reduction by ½ for filing by a small entity						- \$0.00
TOTAL FEE =						\$0.00

6. Fee Payment

- ☐ No fee is to be paid at this time.
- ☒ The Commissioner is hereby authorized to charge Deposit Account No. 50-0310 in the amount of **\$110.00** for the one-month extension of time fee.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

Dated: April 2, 2004

By: 

Paul A. Fournier

Reg. No. 41,023

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